

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT J. MURRAY,

Plaintiff,

v.

GENE CLARK, *et al.*,

Defendants.

No. 4:21-CV-00122

(Chief Judge Brann)

**ORDER**

**NOVEMBER 8, 2022**

**AND NOW**, upon consideration of the Plaintiff's motion to compel discovery,<sup>1</sup> and the Court observing that defendant Clark has responded to Plaintiff's "request for admissions" (which are actually additional interrogatories),<sup>2</sup> and further observing that Defendants continue to ask Plaintiff to sign a HIPAA-compliant release for his medical records from PrimeCare Medical and Geisinger-Wyoming,<sup>3</sup> **IT IS HEREBY ORDERED** that:

1. Plaintiff's motion (Doc. 74) to compel is **DISMISSED** as moot, as Defendants have responded to the additional interrogatories.
2. Defendants' request for Plaintiff to sign a HIPAA-compliant authorization for release of medical records is **DISMISSED** as moot, as Defendants can simply subpoena the medical records from the respective medical providers as this case is in active litigation. *See* FED. R. CIV. P. 45(a)(3). The Court is cognizant that this is not the

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<sup>1</sup> Doc. 74.

<sup>2</sup> *See* Docs. 74-1, 76-1.

<sup>3</sup> *See* Doc. 76 ¶¶ 5-7; Doc. 76-2.

most efficient method of records retrieval, but Plaintiff appears unwilling to comply with Defendants' request for a HIPAA authorization and Defendants have not moved the Court for an order compelling Plaintiff to sign one. Nor is such a motion necessary. If Defendants wish to obtain Plaintiff's medical records related to the incident at issue in the instant matter, which records are clearly relevant and discoverable, they may subpoena those records directly from the medical providers.

3. In light of the outstanding discovery issues, the Court will extend the case management deadlines in this case.
4. Discovery shall be completed by February 1, 2023. The parties shall refrain from filing discovery requests with the Court.<sup>4</sup>
5. Dispositive motions, if any, shall be filed on or before March 17, 2023.
6. The scheduling of a final pretrial conference and trial is deferred pending disposition of dispositive motions, if any.
7. The parties shall indicate, as previously ordered,<sup>5</sup> whether they are agreeable to mediation in this case. This notice shall be provided to the Court on or before February 10, 2023.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge

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<sup>4</sup> See LOCAL RULE OF COURT 5.4(b).

<sup>5</sup> See Doc. 32 at 2 ¶ 3(b).